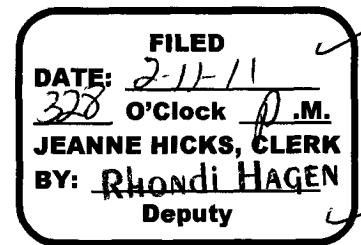


w/o

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION PRO TEM B

JEANNE HICKS, CLERK

HON. WARREN R. DARROW

BY: R. Hagen, Deputy Clerk

CASE NO. V1300CR201080049

DATE: February 11, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA,

Yavapai County Attorney

Sheila Polk/Bill Hughes

(Via OnBase),

(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,

Thomas K. Kelly

(Via electronic mail)

(Co-Counsel for Defendant)

(Defendant)

Luis Li/Brad Brian /Truc Do/Miriam Seifter

MUNGER TOLLES & OLSON LLP

355 South Grand Avenue Thirty-Fifth Floor

Los Angeles, California 90071-1560,

(Co-Counsel for Defendant, *Pro Hac Vice*)

HEARING ON:
PRETRIAL CONFERENCE

NATURE OF PROCEEDINGS

COURT REPORTER
Mina Hunt

START TIME: 10:13 a.m.

APPEARANCES:

Sheila Polk, Counsel for State

Bill Hughes, Co-Counsel for State

Detective Ross Diskin, Case Agent

Tom Kelly, Co-Counsel for Defendant

Luis Li, Co-Counsel for Defendant (Telephonically)

Truc Do, Co-Counsel for Defendant (Telephonically)

Miriam Seifter, Co-Counsel for Defendant (Telephonically)

Pam Moreton/Marie Higgins, Victim Services Representative (Telephonically)

Defendant's presence for this hearing is waived. Defense Counsel confirms for the Court that Defendant's appearance is waived.

Counsel are advised that the Court desires to deal with voir dire of the Special Group of Prospective Jurors on Friday. Counsel have no objection.

The Court and Counsel discuss adding two specific Prospective Jurors to the Special Group for voir dire.

The Court's sound system is discussed. The Court agrees that this issue is a priority which will be addressed later today.

The Court and Counsel review individual Prospective Juror request to be excused. **IT IS ORDERED excusing Prospective Juror Badge# 295669.**

The Court and Counsel review individual Prospective Juror request to be excused. **IT IS ORDERED** that Prospective Juror Badge #276353 report on the 18th.

The Court and Counsel review individual Prospective Juror request and **IT IS ORDERED** that Prospective Juror, Badge #302095, is moved to the Special Group for the 18th.

The Court and Counsel review individual Prospective Juror request and **IT IS ORDERED excusing** Prospective Juror, Badge #291503.

The Court and Counsel review the Prospective Juror Questionnaires and,

IT IS ORDERED the following Prospective Jurors will be retained in the jury pool at this time:

Report Date: 2/16/2011 Badge #'s: 276908, 278480, 298331, 268096, 303874, 282275, 269458, 301678, 266827, 282277, 296648, 289209, 295772, 290849, 296304

Report Date: 2/17/2011 Badge #'s: 288864, 292716, 306381, 295996, 277538, 289598, 286903, 300529, 303400, 294756, 283057, 290065, 277028, 300009, 293434

IT IS ORDERED excusing the following Prospective Jurors:

Report Date: 2/16/2011 Badge #'s: 294728, 299676, 287011, 291166

Report Date: 2/17/2011 Badge #'s: 291503, 273211, 295669, 296368, 288481, 273343, 298753, 293534, 268401, 290193, 296113, 282449

IT IS ORDERED the following Prospective Jurors are moved to the Special Group for voir dire on February 18th:

Report Date: 2/16/2011 Badge #'s: 304897, 271082, 296871, 298490,

Report Date: 2/17/2011 Badge #'s: 302095, 269739, 282284, 276272, 298969, 276295, 279739, 266992, 277430, 295274, 277998, 276353,

During the recess, Counsel will confer regarding the Special Group jurors.

~~~Recess~~~

At 1:42 p.m. the hearing reconvenes.

Counsel have reached agreements regarding moving Prospective Jurors to the Special Group, retaining Prospective Jurors and excusing Prospective Jurors and, therefore,

**IT IS ORDERED:**

- the following Prospective Jurors are **moved** to the **Special Group**, Badge #'s: 296934, 292147, 288774, 289692, 272267, 294248, 299562 and 266844;
- the following Prospective Jurors are **excused**, Badge #'s: 304458, 298926, 280955, 271413, 301780, 298861, 292176 and 288794;
- the following Prospective Jurors are **retained**: Badge #'s: 283485, 280442, 274448, 290211, 286520 and 282497;

- the following Prospective Jurors are moved to the **Special Group** on Friday, February 18, 2011:  
296503, 300338 and 306350.

Counsel are advised that the Motion to Change Place of Trial will be held in abeyance to allow an opportunity for the Court and Counsel to see how the process goes with oral voir dire.

The Court and Counsel discuss courtroom and media technology. The Court notes that Rule 122 reads as if there is a presumption that there are cameras present, unless specific findings are made. Counsel shall submit any objections to the Court well in advance of March 1<sup>st</sup>. The Court advises it is not inclined to permit live coverage. The Court advises of its intent to follow its previous decision regarding media equipment and sound arrangements that are reasonable, that are not intrusive or will invade confidentiality.

The Court **finds** that a second media camera in the courtroom would violate Rule 122 and, therefore, **IT IS ORDERED denying** permission for a second media camera to be placed in the courtroom during Trial.

Discussion ensues regarding Defense Counsel's request to use digital copies of the photograph exhibits rather than the actual exhibits. Counsel for Plaintiff and Counsel for Defendant agree to work together on this issue without Court involvement at this time.

The details of the Jury voir dire process are discussed in-depth.

The Court and Counsel review additional Prospective Juror Questionnaires and,

**IT IS ORDERED** that Prospective Juror, Badge #283322 is moved to the Special Group for February 18<sup>th</sup>.

The Court notes that Prospective Juror, Badge #266844, is currently not in any group.

Court is adjourned.

**END TIME: 3:28 p.m.**

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family, 150 John F Kennedy Pkwy, 4<sup>th</sup> Fl, Short Hills, NJ 07078  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company (e)  
Perkins, Coie, Brown & Bain, Counsel KTVK-TV, 2901 N. Central, Ste. 2000, Phoenix, AZ 85012-2788  
Division PTB (e)  
Jury Commissioner, Verde  
Victim Services (e)  
Court Administration  
Jeanne Hicks, Clerk of Court (e)  
Customer Service Supervisor, Verde